

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-20 are presently pending in this case. Claim 1 is amended and new Claims 4-20 are added by the present amendment. As amended Claim 1 and new Claims 4-20 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claim 1 was objected to and Claims 1-3 were rejected under 35 U.S.C. §102(b) as anticipated by Inoue (U.S. Patent No. 6,590,858).

The abstract is amended herewith to place it in conformance with U.S. practice. No new matter is added.

With regard to the objection to Claim 1, Claim 1 is amended to replace “fist” with “first.” Accordingly, the objection to Claim 1 is believed to be overcome.

With regard to the rejection of Claim 1 as anticipated by Inoue, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

a cartridge body including a lower shell having formed therein a first opening for write and/or read and an upper shell butt-joined to the lower shell;

a rotation wheel housed rotatably in the cartridge body and which houses a disk and has formed therein a second opening corresponding to the first opening and through which the housed disk is exposed to outside, ***the rotation wheel including a control projection;*** and

a shutter mechanism provided between the lower shell and rotation wheel and including a pair of shutter plates which are pivoted in conjunction with the rotation of the rotation wheel and which uncovers the first and second openings when the latter coincide with each other, ***one of said pair of shutter plates including a cam groove configured to receive the control projection of the rotation wheel,***

the rotation wheel having formed therein an engagement recess in which at least one of the shutter plates is engaged.

¹See, e.g., the specification at page 18, line 2 to page 22, line 19 and Figures 13 and 15.

Inoue describes a disc cartridge including an intermediate shell 14 and shutter members 18a and 18b.² The outstanding Office Action cited intermediate shell 14 of Inoue as “a rotation wheel” and shutter members 18a and 18b of Inoue as “a pair of shutter plates.”³ However, it is respectfully submitted that neither of shutter members 18a and 18b of Inoue include a cam groove configured to receive a control projection of intermediate shell 14 of Inoue. Thus, it is respectfully submitted that Inoue does not teach “a pair of shutter plates” and “a rotation wheel” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2-10 dependent therefrom) is not anticipated by Inoue and is patentable thereover.

New Claims 4-10 are supported at least by the specification at page 18, line 2 to page 22, line 19 and Figures 13 and 15. New Claims 4-10 are dependent on Claim 1, and thus are believed to be patentable for at least the reasons described above with respect to Claim 1. In addition, Claims 4-10 recite subject matter that further patentably defines over Inoue. Consequently, Claims 4-10 are also patentable over Inoue.

New Claims 11-20 are supported at least by original Claim 1-3, the specification at page 18, line 2 to page 22, line 19, and Figures 13 and 15. New Claim 11 recites in part:

rotation means for rotatably housing a disk, said rotation means having formed therein a second opening corresponding to the first opening and through which the housed disk is exposed to outside, ***the rotation means including a control projection;*** and

first and second shutter means for uncovering the first and second openings when the latter coincide with each other, ***one of said first and second shutter means including a cam groove configured to receive the control projection of the rotation means,***

As noted above, neither of shutter members 18a and 18b of Inoue include a cam groove configured to receive a control projection of intermediate shell 14 of Inoue. Thus, it is respectfully submitted that Inoue does not teach “first and second shutter means” and

²See Inoue, Figure 1 and column 8, lines 41-52.

³See the outstanding Office Action at page 2, line 16 to page 3, line 4.

Application No. 10/532,728
Reply to Office Action of August 10, 2006

“rotation means” as defined in amended Claim 11. Consequently, new Claim 11 (and Claims 12-20 dependent therefrom) is not anticipated by Inoue and is patentable thereover.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward Tracy
Registration No. 47,998

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\ET\271332US\271332US-AMD11.10.06.DOC